

House Committee on Energy, Utilities and Telecommunications
Testimony of Citizens' Utility Ratepayer Board
Proponent Written and Oral Testimony
Senate Bill 455
March 14, 2024

Chairman Delperdang and members of the House Committee on Energy, Utilities and Telecommunications, my name is David Nickel. I am the Consumer Counsel for the Citizens' Utility Ratepayer Board (CURB). As the advocate for residential and small commercial ratepayers before the Kansas Legislature, please allow me to present testimony as a proponent of Senate Bill (SB) 455.

SB 455 incorporates the provisions of SB 456 with certain amendments. CURB filed written testimony on SB 456 before the Senate Committee on Utilities on February 15, 2024. In CURB's testimony, CURB was a proponent of SB 456, as introduced. However, CURB had some concerns about the workability of some of the provisions in the bill. CURB's testimony was not intended to call for any specific amendments. Rather, CURB merely asked for an opportunity to discuss the bills with the author with respect to CURB's concerns.

Subsequent to February 15, 2024, the Kansas Chamber, the Kansas Industrial Consumers Group, the Kansas Corporation Commission Staff, Evergy and other stakeholders had meetings to discuss potential additional amendments to SB 455, which included the provisions of SB 456, in order to accomplish the intended purpose, while avoiding some potential unintended consequences. CURB appreciates that it was invited to these meetings and had the opportunity to express any concerns of Kansas residential and small commercial ratepayers. These meetings were very productive, informative and helpful.

Through these meetings, several additional amendments were agreed by all stakeholders to be incorporated into the amended version of SB 455. CURB agrees that the proposed amendments are intended to provide the same policy points presented in SB 456, as incorporated in SB 455, but provide flexibility needed to protect customers. The success of these negotiations is evidenced by the wide array of stakeholders who are proponents of SB 455, as amended.

CURB supports SB 455, as amended, because CURB believes that the bill attempts to protect residential and small commercial ratepayers from a utility's abandonment of a fossil-fuel fired electric generating unit when it would result in less reliability and/or resiliency in the utility's system or result in higher costs. CURB earnestly believes that Kansans need to be good stewards of the earth. However, in CURB's view, practicality with respect to environmental practice must be observed. With the amendments to SB 455 obtained through negotiation by the pertinent stakeholders, CURB believes that a practical and workable balance has been obtained. SB 455 also requires annual reports on pertinent information to the Kansas Legislature and increases the determination time allowance under K.S.A 66-1239, once an application is filed thereunder, from 180 to 240 days. In its previous testimony, CURB testified that these provisions are in the interest of Kansas residential and small commercial ratepayers.

For the reasons set forth above, CURB is a proponent of SB 455, as amended.